## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:20 CV 394 MOC WCM

| LOUIS D. GIBSON      | )           |       |
|----------------------|-------------|-------|
| Plaintiff,           | )<br>)<br>) | ORDER |
| v.                   | )           | V     |
| GILES CHEMICAL CORP. | )           |       |
| Defendant.           | )<br>)<br>) |       |

This matter is before the Court on a motion filed by Plaintiff, who is appearing *pro se*, which motion pertains to certain discovery issues ("Motion"). Doc. 7. In the Motion, Plaintiff requests that the Court order that subpoenas be issued to various persons directing them to appear and testify, that witnesses be sequestered "before or during a trial, evidentiary or discovery hearing," and that the Court issue an order compelling Defendant to produce certain materials in discovery.

Plaintiff's Complaint was filed on December 28, 2020. Doc. 1.

A summons was issued for Defendant on January 26, 2021. Doc. 6.

Defendant has not responded to the Complaint, no attorney for Defendant has appeared, and it is not clear whether service has been completed.

Plaintiff is advised that any discovery conducted in this case will be

governed by the Federal Rules of Civil Procedure, the Local Rules of this district<sup>1</sup>, and any specific orders that may be issued in this matter.

As described by Local Civil Rule 16.1, while parties may engage in consensual discovery at any time, Court-enforceable discovery does not commence until issues have joined and a Scheduling Order has been entered, with the exception that early Rule 34 requests may be used pursuant to Fed. R. Civ. P. 26(d)(2). A party seeking early Court-enforceable discovery may file a motion for leave to take early discovery stating the reasons therefor.

The undersigned reads Plaintiff's Motion as seeking relief that can be pursued by Plaintiff directly at the appropriate time and without Court intervention, such as the production of information by Defendant, and that is more appropriately addressed at a later stage of the proceedings, such as the sequestration of witnesses. The Motion does not appear to request expedited discovery.

Accordingly, the Motion will be denied without prejudice as being premature. Should Plaintiff seek expedited discovery, he may file a motion to that effect, bearing in mind that any such motion must describe specifically why the discovery sought must be conducted on an expedited basis and cannot be conducted in the usual course during any period of discovery that may be

<sup>&</sup>lt;sup>1</sup> The Local Rules may be found on the Court's website at https://www.ncwd.uscourts.gov/court-info/local-rules-and-orders/local-rules...

authorized in this case.

IT IS THEREFORE ORDERED that Plaintiff's Motion pertaining to discovery (Doc. 7) is DENIED WITHOUT PREJUDICE.

Signed: February 9, 2021

W. Carleton Metcalf

United States Magistrate Judge